

1 MARC T.G. DWORSKY (SBN 157413)
2 Marc.Dworsky@mto.com
3 MUNGER, TOLLES & OLSON LLP
4 355 South Grand Avenue, 25th floor
5 Los Angeles, CA 90071-1560
6 Telephone: (213) 683-9100
7 Facsimile: (213) 687-3702

8 DAVID H. FRY (SBN 189276)
9 David.Fry@mto.com
10 JENNY H. HONG (SBN 251751)
11 Jenny.Hong@mto.com
12 MUNGER, TOLLES & OLSON LLP
13 560 Mission Street, 27th floor
14 San Francisco, CA 94105-2907
15 Telephone: (415) 512-4000
16 Facsimile: (415) 512-4077

17 Attorneys for Defendants
18 WELLS FARGO DEFENDANTS AND THE
19 INDIVIDUAL DEFENDANTS

20 [Additional counsel listed on signature page]

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE WELLS FARGO MORTGAGE-
BACKED CERTIFICATES LITIGATION

Civil Action No. 09-01376 (SI)

CONSOLIDATED CLASS ACTION ECF

**STIPULATION AND [PROPOSED]
ORDER REQUESTING A
CONTINUANCE OF THE HEARING ON
THE MOTIONS TO DISMISS AND
CASE MANAGEMENT CONFERENCE;
DECLARATION OF DAVID H. FRY IN
SUPPORT THEREOF**

Judge: Hon. Susan Illston

1 WHEREAS, on August 31, 2009, the Alameda County Employees' Retirement
2 Association, the Government of Guam Retirement Fund, the New Orleans Employees'
3 Retirement System, and the Louisiana Sheriffs' Pension and Relief Fund ("Lead Plaintiffs") filed
4 the Consolidated Class Action Complaint For Violations of §§ 11, 12(a)(2) And 15 Of The
5 Securities Act Of 1933 ("Complaint");

6 WHEREAS, on October 30, 2009, Defendants moved to dismiss the Complaint, Lead
7 Plaintiffs have opposed such motions, and the motions are fully briefed;

8 WHEREAS, the Court issued a notice on January 26, 2010 continuing the hearing and
9 Case Management Conference from January 29, 2010 to February 19, 2010;

10 WHEREAS, Thomas O. Jacob, in-house counsel at Wells Fargo & Co., is counsel of
11 record for Defendants Wells Fargo Asset Securities Corporation and Wells Fargo Bank, N.A. (the
12 "Wells Fargo Defendants") and will be out of the country on February 19, 2010;

13 WHEREAS, the next date on which all defense counsel are available is March 19, 2010;

14 WHEREAS, the Wells Fargo Defendants requested, and Lead Plaintiffs have agreed, to
15 request to continue the hearing and Case Management Conference to March 19, 2010.

16 THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned counsel
17 for the parties herein, that:

18 The parties request that the hearing scheduled for February 19, 2010 be continued to
19 March 19, 2010 at 9:00 a.m. and the Case Management Conference scheduled for February 19,
20 2010 be continued to March 19, 2010 at 2:30 p.m.

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1 Dated: February 11, 2010
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BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP

3 DAVID R. STICKNEY
4 TIMOTHY A. DeLANGE
5 MATTHEW P. JUBENVILLE
6 12481 High Bluff Drive, Suite 300
7 San Diego, CA 92130
8 Tel: (858) 793-0070
Fax: (858) 793-0323
davids@blbglaw.com
timothyd@blbglaw.com
matthewj@blbglaw.com

9 /s/ David R. Stickney

DAVID R. STICKNEY

10
11 *Attorneys for Lead Plaintiffs Alameda
12 County Employees' Retirement Association,
13 Government of Guam Retirement Fund, New
Orleans Employees' Retirement System and
Louisiana Sheriffs' Pension and Relief Fund*

14 Dated: February 11, 2010
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MUNGER, TOLLES & OLSON LLP
MARC T.G. DWORSKY
Marc.Dworsky@mto.com
355 South Grand Avenue
35th Floor
Los Angeles, CA 90071-1560
Tel: (213) 683-9100
Fax: (213) 687-3702

16
17 DAVID H. FRY
David.Fry@mto.com
JENNY H. HONG
Jenny.Hong@mto.com
560 Mission Street
21 27th Floor
22 San Francisco, CA 94105-2907
Tel: (415) 512-4000
Fax: (415) 512-4077

23 /s/ David H. Fry

DAVID H. FRY

25
26 *Attorneys for the Wells Fargo Defendants and the
Individual Defendants*

WELLS FARGO & CO.
THOMAS O. JACOB
Office of General Counsel
MAC A0194-266
45 Fremont Street, 26th floor
San Francisco, CA 94105
Tel: (415) 396-4425
Fax: (415) 975-7864
tojacob@wellsfargo.com

Attorney for the Wells Fargo Defendants

Dated: February 11, 2010

PILLSBURY WINTHROP SHAW PITTMAN LLP
BRUCE A. ERICSON
bruce.ericson@pillsburylaw.com
ANDREW J. LANPHERE
andrew.lanphere@pillsburylaw.com
50 Fremont Street
Post Office Box 2880
San Francisco, CA 94120-7880
Tel: (415) 983-1560
Fax: (415) 983-1200

/s/ Bruce A. Ericson
BRUCE A. ERICSON

Attorneys for the Underwriter Defendants

Dated: February 11, 2010

FRIED, FRANK, HARRIS, SHRIVER
& JACOBSON LLP
William G. McGuinness (*pro hac vice*)
william.mcguinness@friedfrank.com
Stephanie J. Goldstein (*pro hac vice*)
stephanie.goldstein@friedfrank.com
Shahzeb Lari (*pro hac vice*)
Shahzeb.Lari@friedfrank.com
One New York Plaza
New York, New York 10004
Telephone: (212) 859-8000
Facsimile: (212) 859-4000

/s/ Shazeb Lari
SHAZEB LARI

Attorneys for the Underwriter Defendants

1 Dated: February 11, 2010

SATTERLEE STEPHENS BURKE & BURKE LLP
JAMES J. COSTER (*pro hac vice*)
JOSHUA M. RUBINS
230 Park Avenue, Suite 1130
New York, NY 10169-0079
Tel.: (212) 818-9200
Fax: (212) 818-9606

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6

7

8

9

WILSON SONSINI GOODRICH & ROSATI
KEITH E. EGGLETON
DAVID McCARTHY
650 Page Mill Road
Palo Alto, CA 94304
Tel: (650) 320-4893
Fax: (650) 565-5100

10

11

12

Dated: February 11, 2010

CAHILL GORDON & REINDEL LLP
FLOYD ABRAMS (*pro hac vice*)
ADAM ZUROFSKY (*pro hac vice*)
TAMMY ROY (*pro hac vice*)
80 Pine Street
New York, NY 10005
Tel: (212) 701-3000
Fax: (212) 269-5420

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PERKINS COIE LLP
DAVID T. BIDERMAN
Four Embarcadero Center, Suite 2400
San Francisco, CA 94111
Tel: (415) 344-7000
Fax: (415) 344-7050

/s/ David T. Biderman
DAVID T. BIDERMAN

Attorneys for Defendant
The McGraw-Hill Companies, Inc.

1 Dated: February 11, 2010
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PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
MARTIN FLUMENBAUM (*pro hac vice*)
ANDREW J. EHRLICH (*pro hac vice*)
TOBIAS J. STERN (*pro hac vice*)
1285 Avenue of the Americas
New York, NY 10019-6064
Tel: (212) 373-3000
Fax: (212) 373-3990

7 _____
8 /s/ *Andrew J. Ehrlich*
9 ANDREW J. EHRLICH

10 TAYLOR & COMPANY LAW OFFICES, LLP
11 STEPHEN E. TAYLOR
12 JAY HINES-SHAH
13 One Ferry Building, Suite 355
San Francisco, CA 94111
Tel: (415) 788-8200
Fax: (415) 788-8208

14 *Attorneys for Defendant Fitch, Inc.*
15 (*d/b/a Fitch Ratings*)

16
17 Filer's Attestation: Pursuant to General Order No. 45, Section X(B), regarding signatures, I
18 attest under penalty of perjury that concurrence in the filing of the document has been obtained
19 from each of the other signatories listed above.

20 _____
21 /s/ *David H. Fry*
22 DAVID H. FRY

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DECLARATION OF DAVID H. FRY

I, DAVID H. FRY, DECLARE AS FOLLOWS:

3 1. I am an attorney duly licensed to practice in the State of California and before the
4 United States District Court for the Northern District of California. I am an attorney with the law
5 firm of Munger, Tolles & Olson LLP, and counsel of record for Defendants Wells Fargo Asset
6 Securities Corporation, Wells Fargo Bank, N.A., David Moskowitz, Franklin Codel, Douglas K.
7 Johnson, and Thomas Neary in the above-captioned action. I have personal knowledge of the
8 matters stated below except those matters stated on information and belief which I am informed
9 and believe are true. If called as a witness in this action, I could and would testify competently to
10 the contents of this declaration.

11 1. On September 17, 2009, the Court issued an order setting a hearing for
12 Defendants' motions to dismiss and a Case Management Conference on January 29, 2010. On
13 October 5, 2009, the parties filed a stipulation agreeing to revise the previously negotiated
14 briefing schedule but retaining the January 29, 2010 date set by the Court, and the Court signed
15 an order to this effect on October 7, 2009. On January 26, 2010, the Court issued a notice
16 continuing the hearing and Case Management Conference to February 19, 2010;

17 2. I am informed and believe that Thomas O. Jacob, in-house counsel at Wells Fargo
18 & Co. and counsel of record for Defendants Wells Fargo Asset Securities Corporation and Wells
19 Fargo Bank, N.A., will be out of the country on February 19, 2010. I have communicated via
20 electronic mail with all defense counsel, and based on their various responses, I am informed and
21 believe that the next Friday on which all are available is March 19, 2010.

22 3. Continuing the hearing on the motions to dismiss and the Case Management
23 Conference would not affect or displace other deadlines in this case, as none has been set yet.

1 I declare under penalty of perjury that the foregoing is true and correct, and that this
2 declaration was electronically executed this 11th day of February 2010, in San Francisco,
3 California.

4
5 DATED: February 11, 2010

MUNGER, TOLLES & OLSON LLP

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7 By: /s/ David H. Fry

8 DAVID H. FRY

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10 *Attorney for the Wells Fargo Defendants and the
11 Individual Defendants*

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1 **[PROPOSED] ORDER**

2 In accordance with the parties' stipulation, it is hereby ORDERED that:

3 The hearing scheduled for February 19, 2010 is continued to March 19, 2010 at
4 9:00 a.m. and the Case Management Conference scheduled for February 19, 2010 is continued to
5 March 19, 2010 at 2:30 p.m.

6 IT IS SO ORDERED.

7 DATED: _____, 2010

8 _____
9 THE HONORABLE SUSAN ILLSTON
10 United States District Court Judge

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